SOME REMARKS

Upon a Paper which Sir George Hungerford, *by a very unusual and unfair Practice, delivered at the Door of the House of Commons, after a full hearing of his Cause before the Committee.* 29. Dec. 1691.

THE chief Objection which Sir *George Hungerford* makes, is against the Power of Disfranchising, wherein it is evident how much he is mistaken both by Law, Practice, and his own Judgment. For,

1*st*. The Burgesses do not Vote, by reason of any Inhabitancy or Burgage Tenure, but by being Elected and Sworn into the Office and Trust of a Burgess; for breach of which Trust, They may be removed from the Office of a Burgess, there being a Condition in Law tacitely annexed to such Office, the Breach whereof is a good Cause of Disfranchisement, and the Words of these very Disfranchisements, are expressly from the Office and Dignity of a Burgess, so that ceasing thereby to be Burgesses, they consequently cease to have a Right of voting as Burgesses.

2*ly*. This hath been the constant Practice as appeared at the Committee by their Books for near an Hundred Years past, and *Robert Hungerford* Esq; Sir *George*'s own Brother, who was formerly a Burgess of this Borough, hath set his Hand to, and allowed of several the like Disfranchisements, as appears by the Borough Books.

3*ly*. The Disfranchisement of one of the Persons whom Sir *George* hath put into his Pole (though his Voice was disallowed at the Election by the Stewards and Burgesses) was done by the Advice of Counsellor *Blake*, Sir *George*'s Son-in-Law, and besides Sir *George Hungerford* himself was the first Person at the taking of the Pole, who made an Exception to Disfranchised Persons.

Object. Whereas Sir *George* Objects, *That* Dyers *Disfranchisement was not fully proved.*

Answer. Mr. *Windham*'s Witnesses proved that he had seen his Disfranchisement written in the Book, and could turn to the Place where it was torn out, and said that *Dyer* gave Ten Shillings to have the Book in his Custody, in which time 'tis supposed he tore it out himself.

Note. *Swaddon* who was convicted of Forgery, and stood in the Pillory, was one of the disfranchised Persons who voted for Sir *George*.

Sir *George Hungerford*'s Objection against *Oliver Harman*, one of Mr. *Wyndham*'s Voices (who never at any time lived more than One Hundred Yards from *Calne*, and his House contiguous to the Borough) is very frivolous, for it was proved, that he lived in the Borough before the Test of the Writ, and ever since, and besides during his living out of the Borough, he was always esteemed as a Burgess, was summoned to their Halls, acted as a Burgess, and had at that time, and now near 100 *l.* of the Borough Stock in his Hands, being intrusted therewith as a Burgess.

So that the majority of Voices, plainly appeared to the Committee, to be for Mr. *Wyndham*.